

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

In Re: AUSTIN W. FRAZIER

CHAPTER 7
NO. 08-04026 EE

TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA

PLAINTIFF

VS.

ADV. NO. 09-00086 EE

AUSTIN W. FRAZIER

DEFENDANT

ANSWER TO COMPLAINT

COMES NOW, AUSTIN W. FRAZIER, Defendant in the above styled and numbered cause, by and through undersigned counsel, and files this his Answer to Complaint, respectfully showing unto the Court as follows:

1. The allegations in paragraph one of the Complaint are admitted.
2. The allegations in paragraph two of the Complaint are admitted.
3. The allegations in paragraph three of the Complaint are admitted.
4. The allegations in paragraph four of the Complaint are admitted
5. The allegations in paragraph five of the Complaint are admitted
6. The allegations in paragraph six of the Complaint are admitted.
7. With respect to the allegations of paragraph seven, the Defendant admits to signing an indemnity agreement, but the copy attached as Exhibit "A" to the Complaint is illegible and the Defendant cannot admit that the copy attached is a true copy of the agreement.
8. With respect to the allegations of paragraph eight, the Defendant admits that the copy has a paragraph entitled Trust Fund, but cannot read the entire paragraph and thus cannot admit paragraph eight of the Complaint.

9. With respect to the allegations of paragraph nine, the Defendant admits that the copy has a paragraph entitled Trust Fund, but cannot read the entire paragraph and thus cannot admit paragraph nine of the Complaint.

10. The allegations of paragraph ten of the Complaint are denied.

11. The allegations of paragraph eleven of the Complaint are admitted.

12. The allegations of paragraph twelve of the Complaint are denied.

13. The allegations of paragraph thirteen of the Complaint are denied.

14. The allegations of paragraph fourteen of the Complaint are admitted.

15. The Defendant admits that Frazier Construction defaulted and failed to pay Travelers for its losses, but denies the remaining allegations of paragraph fifteen of the Complaint.

16. The allegations of paragraph sixteen of the Complaint are denied.

17. The allegations of paragraph seventeen of the Complaint are denied.

18. The allegations of paragraph eighteen of the Complaint are denied as written.

19. The allegations of paragraph nineteen are admitted and denied consistent with the responses to paragraphs one through eighteen.

20. The allegations of paragraph twenty of the Complaint are denied.

21. The allegations of paragraph twenty-one of the Complaint are denied.

22. The allegations of paragraph twenty-two of the Complaint are denied.

23. The allegations of paragraph twenty-three are admitted and denied consistent with the responses to paragraphs one through twenty-two.

24. The allegations of paragraph twenty-four of the Complaint are denied.

25. The allegations of paragraph twenty-five of the Complaint are denied.

26. The allegations of paragraph twenty-six of the Complaint are denied.

27. The allegations of paragraph twenty-seven of the Complaint are denied.

28. The allegations of paragraph twenty-eight are admitted and denied consistent with the responses to paragraphs one through twenty-seven.

29. The allegations of paragraph twenty-nine of the Complaint are denied.

WHEREFORE, Defendant prays upon a hearing hereon, this Court will enter its Order denying the relief requested in the Complaint and that the Complaint be denied. Defendant further prays that the Complaint be dismissed with prejudice to the Plaintiff. Defendant prays for such other, further and general relief to which he may be entitled.

Respectfully Submitted,
AUSTIN W. FRAZIER, Defendant

By: /s/ Robert Gambrell
ROBERT GAMBRELL, Attorney for
Defendant
Gambrell & Associates, PLLC
106 King Street
Oxford, Mississippi 39655
662-281-8800
MS Bar #4409

CERTIFICATE OF SERVICE

I, ROBERT GAMBRELL, Attorney for the above listed Defendant, do hereby certify that the following have been served electronically via ECF with a copy of the above Motion for

Additional Time:

R. Michael Bolen, United States Trustee: USTPRegion05.JA.ECF@usdoj.gov
Derek A Henderson T1, Chapter 7 Trustee: d_henderson@bellsouth.net
Paul M. Ellis: paul.ellis@butlersnow.com

This the 4th day of September, 2009.

/s/ Robert Gambrell
ROBERT GAMBRELL